



The State of New Hampshire  
***Department of Environmental Services***



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
SP 06-013**

July 17, 2006

James Snodgrass and Gerry Mitchell  
23 Freedom Acres Drive  
Concord, NH 03301

RE: DES Wetlands File #2005-01548 144 Broad Cove Road, Concord

Dear Mr. Snodgrass & Mr. Mitchell:

On June 21, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Concord Tax Map 105 as Lot 1 (the "Property"). The purpose of the inspection was to determine compliance with the Comprehensive Shoreland Protection Act ("CSPA"), RSA 483-B and NH Code of Admin. Rules Env-Ws 1400-1411.

During the inspection the following deficiency was documented:

A well-distributed stand of trees, saplings, shrubs, and ground cover had not been maintained within 150 feet of the reference line of the Contoocook River (normal high water mark). DES documented a trapezoidal section of clearing located approximately 99 feet from the shoreline measuring approximately 76.5 feet across by approximately 96.5 feet on its eastern side and 47.5 feet on its western side.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a qualified environmental consultant, or landscape designer and include provisions for the revegetation of the clearing with saplings, shrubs, and ground cover, representing 50% of what was cut within 150 feet of the shoreline on the Property. Species should be selected from the enclosed native species list and planted in a well distributed pattern. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
  - (1) The species of plants proposed for replanting;
  - (2) The number and distribution of plants proposed for replanting;
  - (3) The basal area of the trees proposed for replanting;

- (4) The existing trees remaining within the natural woodland buffer, if any;  
and
  - (5) The existing and proposed structures, including but not limited to the primary structure, accessory structures, and water-dependent structures.
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Retain a qualified environmental consultant, or landscape designer to supervise the implementation of the restoration plan and to submit the restoration progress reports.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1411 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

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Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0688 8494

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Concord Conservation Commission  
Concord Board of Selectmen  
USACOE